

Serial No. 10/776,256
Amendment Dated:
Reply to Office Action

REMARKS/ARGUMENTS

Description of amendments

Claims 3, 4, and 7-10 are now pending and under examination. Applicant has amended claims 3, 4, 7, and 8. No new matter has been added.

Rejection under 35 U.S.C. §112, first paragraph

Claims 7-10 were rejected under 35 U.S.C. §112, first paragraph, as containing subject matter which was not described in the specification as originally filed. Applicant believes that the rejection is overcome by the amendments to claims 7 and 8 to delete the language "values of X and Y".

Rejections under 35 U.S.C. §103(a)

Claim 3 was rejected under 35 U.S.C. §103(a) as being anticipated by Tsuji (U.S. Patent 6,285,855) in view of Shibata (JP 406029189A). Claim 4 was rejected under 35 U.S.C. §103(a) as being unpatentable over Tsuji in view of Shibata, and further in view of Pedrotti ("Introduction to Optics"). For the following reasons, Applicant respectfully submits that claims 3 and 4, as amended, overcome the respective rejections.

Amended claim 3 recites that "homogenization occurs only in an intermediate image plane, and this homogenization is performed only by the homogenizing optical system." The cited references do not teach or suggest this limitation, either alone or in combination. In Tsuji, homogenization takes place

Serial No. 10/776,256
Amendment Dated:
Reply to Office Action

at at least two places: the light exit surface of the light mixing means (4) (see column 5, lines 19-25) and a predetermined plane (see column 5, lines 29-43).

Claims 7 and 10 were rejected under 35 U.S.C. §103(a) as being unpatentable over Suzuki (U.S. Patent 6,456,377) in view of Suzuki (U.S. Patent 5,608,575), Tsuji, and Matsumoto. Claims 8 and 9 were rejected under 35 U.S.C. §103(a) as being unpatentable over Suzuki (U.S. Patent 6,456,377) in view of Suzuki (U.S. Patent 5,608,575), Tsuji, and Matsumoto (U.S. Patent 6,064,477), and further in view of Pedrotti. For the following reasons, Applicant respectfully requests reconsideration and withdrawal of the rejections.

Applicant respectfully submits that the various purposes cited by the Examiner for combining the references (see Office Action at page 9, lines 19-22) are insufficient to provide the suggestion or motivation required by an obviousness rejection. The Examiner merely cited the purposes but did not state where in the cited references the purposes are stated. The MPEP requires that in order to establish a prima facie case of obviousness there must be some suggestion or motivation in the references to combine reference teachings. Therefore, a prima facie case of obviousness has not been established.

Additionally, Applicant's arguments made in the parent application for the patentability of allowed claim 5 of the parent application apply equally to claims 7 and 8, because claims 7 and 8 are no broader than allowed claim 5 of the parent application.

Serial No. 10/776,256
Amendment Dated:
Reply to Office Action

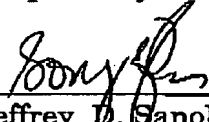
Claims 9 and 10 are also patentable because they depend from claims 8 and 7, respectively.

In view of the foregoing, the application is respectfully submitted to be in condition for allowance, and prompt favorable action thereon is earnestly solicited. If there are any questions regarding this amendment or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323 (Docket #011270.49970D1).

Respectfully submitted,

August 22, 2005



Jeffrey D. Sanok
Registration No. 32,169
Song Zhu, Ph.D.
Registration No. 44,420

CROWELL & MORING LLP
Intellectual Property Group
P.O. Box 14300
Washington, DC 20044-4300
Telephone No.: (202) 624-2500
Facsimile No.: (202) 628-8844
JDS:SZ:tlm (387191)